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A major intent of the Constitution and its amendments -- to guarantee equal rights to all citizens regardless of race, creed, or color -- has been reinforced by the civil rights statutes of many States. In some States such laws have been on record for three-quarters of a century. In other States the same constitutional intent has been denied by custom, bias, and law. The fourteenth amendment to the Constitution is a guarantee of equal protection against discrimination by State action. As of 1962, there was no Federal law to prohibit discrimination by private persons. A chart of the fifty States plus the Virgin Islands and Washington, D.C., is included to show the presence or absence of State laws prohibiting discrimination in five major areas -- employment, housing, education, intermarriage, and recreational facilities.

Outside of the execution of Federal contracts, prohibition of job discrimination by private employers can be brought about by a State statute. State laws in this area are usually in the form of Fair Employment Practices laws. Twenty States have passed FEP laws. Concerning housing, eight States have enacted laws prohibiting discrimination of all types of housing, and a few other States prohibit discrimination in special types of housing. The 1954 Supreme Court decision prohibits segregated public education in all States, although different States have varied in the speed with which desegregation has been achieved. Twenty-eight States have enacted laws against segregated public recreational facilities. Interracial marriages are prohibited in 21 States.

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Civil Rights and Minorities

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Equal Educational Opportunities Program
Office of Education

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ANTI-DISCRIMINATION LAWS

CR - Sen Hartman

Congress of the United States

begun and held at the City of New-York, on
Wednesday the Fourth of March, one thousand seven hundred and eighty nine

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the benificent ends of its institution

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

Article the first.... After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which, the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

Article the second... No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

Article the third..... Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances

Article the fourth.... A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Article the fifth..... No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Article the sixth..... The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article the seventh... No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just

Article the eighth... In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed

Office of Education-EEOP
Research and Materials Branch

Civil Rights and Minorities

by Paul Hartman
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Anti-Defamation League of B'nai B'rith

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CIVIL RIGHTS AND MINORITIES

A major intent of the Constitution and its amendments—to guarantee equal rights to all citizens regardless of race, creed or color—has been reinforced by the civil rights statutes of many states. In some states, such laws have been on the books for three-quarters of a century. Yet the same intent of the Constitution has been denied, in other states, by custom, bias and law.

That no state may deny to any person within its jurisdiction the equal protection of the laws is set forth in the Fourteenth Amendment to the Constitution of the United States, adopted in 1868. Clearly, acts of discrimination directed against individuals on the basis of race, religion or national origin deny them equal treatment. Does it follow that any person who discriminates against another on any of these grounds violates the Equal Protection clause?

The U.S. Supreme Court has replied in the negative. In the Civil Rights cases of 1883, the Court held that the guarantee of equal protection of the laws is a guarantee against discrimination by "state action" (i.e., action by a state, a municipality, any state or municipal agency or official). Private conduct is *not* affected by the Equal Protection clause. Thus, while the Equal Protection clause outlaws racial or religious discrimination in public employment, public housing, public education and public recreational facilities, it does not bar private persons from engaging in such discrimination.

This does not mean that any private individual anywhere in the United States may engage in racial or religious discrimination; it means only that the Federal Constitution has no prohibition of discrimination committed by private individuals; the states, under their power to provide for the general welfare of the people (so-called police power), have the authority to enact laws prohibiting private individuals from discriminating because of race, religion or national origin.

The chart included in this pamphlet shows which of the fifty states have availed themselves of this opportunity to protect members of minority groups from discrimination in various areas.

On the other hand, a number of states permitted or required racial segregation in public transportation, public education, and other areas which came under their authority, under the legal shelter of the "separate but equal" doctrine set forth in the 1896 Supreme Court decision in the case of *Plessey* v. *Ferguson.* The Court, at that time, upheld statutes requiring racial segregation of transportation facilities on the ground that the guarantee of equal protection provided by the Fourteenth Amendment was not violated *if* the separate facilities offered to each race were substantially equal. This doctrine was overturned in 1954 with the rendering of the Supreme Court decision in the School Segregation cases. The highest tribunal of the country declared that racial segregation in public education is discriminatory in itself, *regardless* of whether or not the separate facilities offered to the two races are apparently equal. Later decisions have applied this ruling to public recreational facilities (including public beaches, public bath-houses, municipal golf courses, and public transportation). These rulings declare that all state or local laws requiring or permitting racial segregation in any area are in conflict with the Equal Protection clause and are, therefore, invalid. The fact that these segregation laws have not been formally repealed in some states does not detract from their constitutional invalidity. For that reason, segregation laws still in existence have *not* been included in the chart.

The chart examines legislation against discrimination—also termed civil rights legislation (in a broader sense)—in the fifty states, the District of Columbia and the Virgin Islands. Five major areas in which discrimination strongly affects members of American minority groups are covered: *employment, housing, education, intermarriage,* and *recreational facilities.* (Legislation against discrimination in recreational

facilities is sometimes called civil rights legislation—in a narrow sense.)

State laws outlawing discrimination in any of these areas are indicated in the chart. Absence of such legislation has varying effects, depending on the area involved. For example, if a state has no law prohibiting interracial marriage, two persons of different race are free to marry. Absence of a statute in this case means good law. Conversely, if a state has no law prohibiting discrimination in private employment, an employer is free to discriminate in hiring; in this case absence of a statute means bad law.

Employment

Racial or religious discrimination in public employment (by state or municipal authorities) is a violation of the Fourteenth Amendment.

In private employment, the legal situation is very different. Private employers are under no constitutional mandate to refrain from discriminating against employees or applicants for employment. There is, however, a Presidential Executive Order, which stipulates that every contract between a federal agency and a private contractor or sub-contractor must contain an anti-discrimination clause. Thus, no private employer can use discriminatory hiring procedures in connection with the fulfillment of contracts with federal agencies. Compliance with this requirement is policed by the President's Committee on Equal Employment Opportunity; this group also supervises non-discrimination in federal employment.

Outside of the execution of federal contracts and subcontracts, the prohibition of job discrimination by private employees can only be brought about by a statute passed by a state under its police power or by a municipality if the state has delegated such power to it. State laws are usually in the form of Fair Employment Practices laws (FEP laws), which define various types of discrimination by employers, employ-

ment agencies and labor organizations as unfair employment practices. Under these laws, administrative enforcement machinery is set up, usually in the form of a commission, known variously as a fair employment practices commission, a civil rights commission, a human relations commission or an anti-discrimination commission. These agencies are given authority to receive and investigate, and seek to conciliate complaints of job discrimination. Some commissions are given the power to start proceedings on their own initiative. If a complaint cannot be conciliated, these administrative agencies are authorized to hold a hearing, take evidence, and, in the event that discrimination is found, to issue cease and desist orders, enforceable through court action. Twenty states have passed FEP laws which provide for enforcement by administrative agencies. These states are: Alaska (1953), California (1959), Colorado (1951, extended to private employment in 1957), Connecticut (1947), Delaware (1960), Illinois (1961), Kansas (1961), Massachusetts (1946), Michigan (1955), Minnesota (1955), Missouri (1961), New Jersey (1945), New Mexico (1949), New York (1945), Ohio (1959), Oregon (1949), Pennsylvania (1955), Rhode Island (1949), Washington (1949), Wisconsin (1957).

Though mainly concerned with private employment, the FEP laws also cover public employment, thus strengthening the constitutional ban on discrimination by providing specific enforcement machinery.

Employers with a small number of employees are usually exempt from the prohibitions contained in an FEP law. Exceptions are Alaska and Wisconsin, whose laws cover even employers with only one employee. Until 1961 the minimum number of employees required for coverage by the anti-discrimination prohibition in the other states varied from four to twelve. That year the FEP laws enacted in Illinois and Missouri provided for a minimum number of 50 employees (with Illinois setting an even higher minimum number for a transitional period). Religious and charitable organizations

not organized for private profit, are exempted from the laws, as a general rule.

A few states have passed laws against discrimination in employment which do not follow the pattern of fully enforceable FEP laws described above. Indiana and Nevada, for example, declare job discrimination to be against public policy and authorize a commission to investigate complaints; neither of these commissions are given the power to issue cease and desist orders. Idaho and the Virgin Islands seek to enforce their ban on employment discrimination by court action. This is also true of Arizona and Nebraska, except that the ban on discrimination is limited to public employment and employment in performance of public contracts in the former state, and to defense work employment in the latter.

In addition, about 40 cities have enacted local ordinances against discrimination in employment. In most instances, these ordinances have been forerunners of the state-wide fair employment practices laws, e.g., Pennsylvania, Minnesota and Ohio. However, some of the cities having such ordinances are situated in states without appropriate legislation, e.g., Gary and East Chicago in Indiana, Des Moines and Sioux City in Iowa.

Housing

In order to maintain racially segregated housing, many cities used to adopt municipal zoning ordinances which limited Negro dwellings to certain areas. This method of enforced ghettoization was declared void by the Supreme Court in 1917 as being in violation of the Fourteenth Amendment.

Another technique employed to keep members of minority groups from certain neighborhoods is the restrictive covenant by which persons acquiring property undertake for themselves and their successors not to sell or lease the property to members of "undesirable" groups. In the famous *Shelley* v. *Kraemer* case in 1948 the Supreme Court declared such restrictive

covenants unenforceable through court action because such action by the courts would constitute discriminatory state conduct which, of course, is prohibited by the Equal Protection clause. In a subsequent decision the Court disallowed damage suits for violations of a restrictive covenant. On the other hand, the Court has refused to declare such covenants void. Therefore, they may still be effective so long as property owners in the area covered adhere to them voluntarily. However, California, Minnesota and the Virgin Islands have passed statutes declaring restrictive covenants null and void.

Housing discrimination resulting from discriminatory conduct of private developers, and home owners who act without the device of restrictive covenants, cannot be reached by court action based on the Fourteenth Amendment which is directed only against discriminatory state action. By the same token, discrimination in housing which is operated by the state or a municipality is prohibited under the Fourteenth Amendment.

In a number of states the gap resulting from the limitations of the Fourteenth Amendment has been filled by statutes enacted under the states' police power. As the chart shows, eight states have enacted laws prohibiting discrimination in all types of housing, including private housing, and have entrusted the enforcement of this ban to administrative agencies. These states are Colorado (1959), Connecticut (1959), Massachusetts (1959), Minnesota (1961), New Jersey (1961), New York (1961), Oregon (1959), Pennsylvania (1961). The first of these laws, enacted in Colorado, was preceded by similar city ordinances in New York (1957) and Pittsburgh (1958). All these state laws vest enforcement of the ban on discrimination in housing in the same state agencies which enforce the prohibition of discrimination in employment. The procedure is the same in both instances. Usually these laws exempt from the ban one and two-family houses which are not part of a development.

In 1961, New Hampshire and the Virgin Islands declared discrimination in housing illegal. However, enforcement of

the prohibition is through court rather than administrative action. On the other hand, Rhode Island and Washington have set up administrative machinery for enforcing the ban on housing discrimination; however, this ban is limited to public housing in Rhode Island and to publicly assisted housing in Washington. (The Washington statute has been declared invalid by that state's Supreme Court because it limits the ban on discrimination to owners of houses built with public assistance and thus discriminates against them.)

Some of these statutes (in Minnesota, New Jersey, New York, Pennsylvania and Washington) also prohibit banks and other financial institutions from discrimination against persons who seek loans for the purchase, construction or repair of real property.

A few states—California, Indiana, Illinois, Montana and Wisconsin—prohibit discrimination only in special types of housing and provide either for enforcement through court action, as in California and Indiana, or do not set up any enforcement machinery (Illinois, Montana and Wisconsin).

Education

Prior to 1954, 17 states in the South and the District of Columbia required racial segregation in all public schools on the elementary and secondary level. (Three more states—Kansas, New Mexico and Wyoming—had laws permitting segregation, while in still another—Arizona—segregation was mandatory in elementary schools and permitted in high schools.) These laws were based on the "separate but equal" doctrine discussed above.

On May 17, 1954, the U.S. Supreme Court rendered its historic decisions in the School Segregation cases, holding that racial segregation in public schools is discriminatory in itself and hence prohibited by the U.S. Constitution. (Prior to 1954, a number of states in the Northeast and Middle West had enacted statutes prohibiting discrimination or segregation in

public schools. In view of the Supreme Court rulings in the School Segregation cases, today these laws are mere declarations of what the law is under the Federal Constitution.) Implementing the decision one year later, the Supreme Court permitted gradual desegregation but demanded "a prompt and reasonable start" towards full compliance with the 1954 ruling. The number of pupils affected by these decisions is considerable; approximately three million Negroes and ten million whites were enrolled in 1960-61 in the public schools of the 17 states and the District of Columbia.

The pace of desegregation has been different in various states. As of Fall 1961, these 17 states and the District of Columbia may be grouped as follows with regard to status of desegregation:

(1) In West Virginia and the District of Columbia more than 50 per cent of the Negro school children attend classes along with white pupils.

(2) In five states, (all of them border states)—Delaware, Kentucky, Maryland, Missouri and Oklahoma—between one-fourth and one-half of the Negro students attend mixed classes.

(3) In Texas approximately 4,300 Negroes share classes with white children. This is a substantial number; however, because of the total number of Negro pupils in that state—290,000—the percentage of Negro pupils in desegregated classes is small.

(4) In seven states there is sporadic or token desegregation. These states are Arkansas (152 Negroes attending mixed classes as of November 1961), Florida (552), Georgia (9), Louisiana (12), North Carolina (203), Tennessee (1142), Virginia (533).

(5) Alabama, Mississippi and South Carolina, thus far, have successfully resisted all efforts to carry out the Supreme Court's decision. Complete racial segregation governs the public school education in these states at all levels.

Many of the states affected by the desegregation decisions have enacted pupil placement laws whose effect has been to give the school authorities considerable control over the pace of admitting Negro pupils into formerly all-white public schools. These laws continue the existing dual system of public education as a de facto situation; they set up administrative machinery to assign first grade pupils to specific schools and to pass upon requests of individual pupils or their parents for transfer to a school other than that which they attend or are allocated to. The courts have upheld these pupil placement laws if the criteria to be considered in deciding upon the placement of school children are not related to race.

On the college and graduate levels, strict racial segregation had been abandoned in many southern states even before 1954. This was, in part, a result of court decisions which held that separate educational facilities provided by universities for Negro use were not equal to those granted to white students; thus, segregated educational institutions on the college and university levels were adjudged violations of the Equal Protection clause even under the limited interpretation of this clause prevailing until 1954.

As already mentioned, state statutes requiring or permitting racial segregation in public schools became invalid as a result of the decisions in the School Segregation cases. Some southern states, in an effort to evade desegregation, have enacted various statutes in order to achieve by circuitous means that which could no longer be done openly. One such scheme was to set up "private" segregated schools operated by private groups to whom the school buildings and equipment would be leased, and who would employ the teachers of the all-white public schools. The argument in support of the legality of these schools was that they were private and, as such, not under the strictures of the Equal Protection clause of the Fourteenth Amendment. The Supreme Court branded such "evasive schemes" as constitutionally invalid because they amounted to state support of segregated schools.

Genuine private schools are not barred from discrimination or segregation under the Fourteenth Amendment. But a state, under its police power, may prohibit such discrimination. As a matter of fact, six states—Massachusetts, New Jersey, New York, Pennsylvania, Oregon and Washington—have enacted laws prohibiting discrimination in all or some private schools. (Denominational schools however, are usually permitted to apply religious criteria in the selection of students.) The New York Fair Education Practices Act covers schools on the post-secondary level and business and trade schools. The Oregon statute applies to vocational, trade and professional schools. In the other four states discrimination on all levels of private education is prohibited. (Pennsylvania in 1961 enacted two laws dealing with educational discrimination. One is limited to post-secondary education and secretarial, business, vocational and trade schools; the other covers schools on all levels.) This ban is enforced by administrative machinery. In New York, enforcement powers rest with the Board of Regents; in each of the five other states with the agency enforcing the ban of discrimination in other fields, (e.g., employment, housing, and recreational facilities). Court proceedings are an alternative method of enforcement in New Jersey, New York, Pennsylvania and Washington. While primarily adopted to prevent discrimination in private schools, these laws serve also to strengthen the constitutional ban on discrimination in public schools, since the specific enforcement machinery set up by these laws may be used against persons responsible for discriminatory practices in public schools.

Interracial Marriages

Marriage between white persons and those of other races is prohibited in 21 states. In two of these—Maryland and North Carolina—marriage between members of two different non-white races is also forbidden. The other 29 states (and also the District of Columbia and the Virgin Islands) do not prohibit interracial marriage.

Ten years ago, states with laws prohibiting interracial marriages (sometimes called anti-miscegenation laws) were still in the majority. However, since 1951 the following nine states have repealed such laws prohibiting interracial marriage: Oregon (law repealed 1951), Montana (1953), North Dakota (1955), Colorado (1957), South Dakota (1957), California (1959), Idaho (1959), Nevada (1959), Arizona (1962).

The laws of the states banning interracial marriage vary in their definition of what constitutes a non-white. In some states the definition includes a third- or even a fourth-generation descendant of a non-white.

Sexual intercourse between persons of different races is also prohibited in some states.

In all cases, marriages entered into in violation of laws against interracial marriage are void. Under the laws of many states, the persons involved are considered guilty of crimes, punishable in some states by long prison terms.

The highest courts of a number of southern states have upheld laws prohibiting interracial marriages as constitutional, arguing usually that these laws place an equal restriction on whites and non-whites. On the other hand, in a well-reasoned decision, the Supreme Court of California in 1948 concluded that that state's statute prohibiting marriages between whites and Negroes was invalid under the Equal Protection clause of the U.S. Constitution. The Court said that such a statute impaired the right of individuals to marry only because of race, and arbitrarily and unreasonably discriminated against certain racial groups. The U.S. Supreme Court has never ruled on this precise question.

Recreational Facilities and Other Places of Public Accommodation

Twenty-eight states have enacted laws prohibiting discrimination or segregation in recreational facilities which are open to the public in general. The first such law was passed by

Massachusetts as early as 1865, and the latest by New Hampshire in 1961. These laws—commonly called civil rights laws (in the narrow sense)—generally bar discrimination in "places of public accommodation, resort or amusement" and leave enforcement to the courts. Under some laws, the person discriminated against may sue for damages. Some authorize criminal prosecution of the offender and the imposition of fines and imprisonment. Two of the states—New Mexico and Montana—prohibit discrimination without providing for specific enforcement machinery.

Several states have broadened the protection by banning not only discrimination itself but publications and advertisements as well which indicate that a person of a particular race or religion is not welcome to an establishment.

The term "place of public accommodation, resort or amusement" is defined differently in each state. Some statutes contain a comprehensive list of places covered by the term; (for example, the laws of New York and New Jersey include hotels and inns, restaurants and other eating and drinking places, retail stores, hotels, barber shops, beauty parlors, theaters, music halls, movies, race courses, amusement and recreational parks, bowling alleys, golf courses, gymnasium, billiard and pool parlors, and others). Other statutes list only a few specific types of establishments and add a general clause covering "all other" places of public accommodation. Still others refrain from listing any specific types but rely on a broad definition of the term.

The word "public" in the context of the phrase "place of public accommodation" does not have the same meaning as it does when used in reference to places owned, controlled or operated by "public" authority (state or municipal government or any of its subdivisions). Public places in the latter sense, such as municipal golf courses or state parks, are prohibited from discrimination by the Equal Protection clause, which prohibits discriminatory state conduct. (Federal courts have held the prohibition of discriminatory state conduct ap-

plicable to private eating and recreational facilities on public property.) On the other hand, the term "place of public accommodation" describes establishments which profess to serve the public in general, regardless of the public or private status of the person or body owning, controlling or operating them. The theory behind the state statutes prohibiting discrimination in such places is that a person who professes to serve the public in general should not be permitted to exclude from serving persons of a specific race, religion or national origin.

These statutes have not been particularly successful. Persons refused access to an establishment because of race or religion hesitate to go through the trouble and expense of formal court proceedings. State enforcement authorities are often reluctant to start criminal proceedings against violators who otherwise may be responsible businessmen in the community. In view of these difficulties, a number of states in recent years have enacted laws extending the jurisdiction of the administrative agencies (commissions) enforcing state laws against discrimination in employment to cover discrimination by places of public accommodation. Since 1949 nine states—Connecticut, Massachusetts, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island and Washington—have set up such administrative enforcement machinery. All these states, except Rhode Island, have retained enforcement powers through court proceedings as an alternative.

Until 1954, Jim Crow statutes in most of the southern states made segregation of whites and Negroes mandatory in places of public accommodation. These laws, based on the "separate but equal" doctrine, were doomed when the Supreme Court declared segregation in public schools unconstitutional. Applying its reasoning to other areas, the Supreme Court held the practice of segregating Negroes on public beaches, public bath houses and municipal golf courses to be violations of the Equal Protection clause. Inasmuch as state statutes requiring racial segregation in places of public accommoda-

tion constitute discriminatory state action, these laws must be regarded as invalid.

The invalidation of Jim Crow laws would seem to leave private enterprises, in states which have no civil rights legislation, free to discriminate or abstain from discrimination. In recent years, efforts by Negro groups (with some white cooperation) to induce establishments in the South to change their policy of segregating lunch counters and similar facilities have resulted in voluntary desegregation by a number of department stores and other places in various southern cities. Still in question is whether an establishment which is determined to maintain segregated facilities is entitled to police protection in the face of peaceful demonstrations such as sit-ins. Does the discriminatory policy of a private establishment assume a kind of public character when it is being enforced by police? If the answer to this question is in the affirmative, the Equal Protection clause of the Fourteenth Amendment could apply.

Transportation

In those states which have laws against discrimination in places of public accommodation, public carriers operated on land, water or in the air, as well as their stations and terminals, are usually included in the definition of a place of public accommodation. Therefore, they are subject to the ban on discrimination laid down in such laws. In addition, throughout the United States segregation in interstate transportation including terminal facilities is prohibited by federal statutes such as the Interstate Commerce Act, as well as the regulations of the Interstate Commerce Commission. The U.S. Supreme Court held in 1961 that a restaurant in a terminal of an interstate bus line is included in that ban.

What about local (intra-state) transportation in those states having no civil rights legislation? Laws and municipal ordinances requiring or permitting segregated transportation facilities have been declared void by the courts since they are

in violation of the Equal Protection clause of the Fourteenth Amendment. Carriers operated by state or municipal authorities are prohibited from segregating passengers because of the state action involved, regardless of whether or not a statute or ordinance requires such action. In addition, the courts have held that a private bus line is subject to the Equal Protection clause when, under state law, the bus driver has the authority of a police officer. It remains to be seen whether the efforts of the Freedom Riders and others engaged in similar peaceful demonstrations will bring about the final elimination of discrimination and segregation in all forms of transportation.

Office of Education-EEOP
Research and Materials Branch

STATE STATUTES

STATE	EMPLOYMENT	HOUSING
ALABAMA	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
ALASKA	Statute prohibits discrimination in employment. Administrative enforcement machinery. Violators also subject to fines and imprisonment (court proceedings).	No statute prohibiting discrimination in private housing.
ARIZONA	Statute prohibits discrimination in public employment and employment in performance of public contracts. Violators subject to fines (court proceedings).	No statute prohibiting discrimination in private housing.
ARKANSAS	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.

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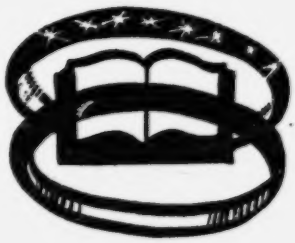

EDUCATION	INTERRACIAL MARRIAGES	RECREATIONAL FACILITIES
No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between white and Negro.	No statute prohibiting discrimination in recreational facilities.
No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities. Violators are subject to criminal punishment (court proceedings).
Statute requiring segregation of Negroes in public elementary schools repealed in 1954. No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	No statute prohibiting discrimination in recreational facilities.
No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between white and Negro.	No statute prohibiting discrimination in recreational facilities.

STATE	EMPLOYMENT	HOUSING
CALIFORNIA	Statute prohibits discrimination in employment. Administrative enforcement machinery.	Statute prohibits discrimination in publicly assisted housing (including FHA-insured housing). Enforcement by civil suit for injunction or damages. Another statute prohibits discrimination in urban renewal projects. Still another statute declares racial and ethnic restrictive covenants void.
COLORADO	Statute prohibits discrimination in employment. Administrative enforcement machinery.	Statute prohibits discrimination in public and private housing. Administrative enforcement machinery.
CONNECTICUT	Statute prohibits discrimination in employment. Administrative enforcement machinery.	Statute prohibits discrimination in public and private housing. Administrative enforcement machinery. Alternatively, enforcement through court proceedings (criminal punishment).
DELAWARE	Statute prohibits discrimination in employment. Administrative enforcement machinery. Violators also subject to fines and imprisonment (court proceedings).	No statute prohibiting discrimination in private housing.
DISTRICT OF COLUMBIA	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
FLORIDA	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
GEORGIA	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
HAWAII	Statute prohibits discrimination in payment of wages. Administrative enforcement machinery.	No statute prohibiting discrimination in private housing.

EDUCATION	INTERRACIAL MARRIAGES	RECREATIONAL FACILITIES
No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities. Violators are subject to civil suits for damages plus $250.00.
State Constitution prohibits discrimination or segregation in public schools. No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities, including discriminatory advertising. Administrative enforcement machinery. Alternatively, enforcement through court proceedings (civil damages, criminal punishment).
Statute prohibits discrimination or segregation in public schools. No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities. Administrative enforcement machinery. Alternatively, enforcement through court proceedings (criminal punishment).
No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between white and Negro.	No statute prohibiting discrimination in recreational facilities.
No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities. Violators are subject to criminal punishment, forfeiture of licenses (court proceedings).
No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between white and Negro.	Prohibition of advertisements discriminating because of religion. Violators are subject to criminal punishment (court proceedings).
No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between white and non-white.	No statute prohibiting discrimination in recreational facilities.
No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	No statute prohibiting discrimination in recreational facilities.

STATE	EMPLOYMENT	HOUSING
IDAHO	Statute prohibiting discrimination in employment. Violations are misdemeanors punishable by the courts.	No statute prohibiting discrimination in private housing.
ILLINOIS	Statute prohibits discrimination in employment. Administrative enforcement machinery.	Statute prohibits discrimination in urban redevelopment projects. No specific enforcement provisions.
INDIANA	Statute declares employment discrimination to be against public policy. Administrative investigating machinery. Anti-discrimination clauses required in government contracts and subcontracts.	Statute prohibits discrimination in public housing. Violators are subject to penalties and damages (court proceedings). Another statute prohibits discrimination in redevelopment projects; no specific enforcement provisions.
IOWA	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
KANSAS	Statute prohibits discrimination in employment. Administrative enforcement machinery.	No statute prohibiting discrimination in private housing.
KENTUCKY	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
LOUISIANA	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.

EDUCATION	INTERRACIAL MARRIAGES	RECREATIONAL FACILITIES
State Constitution prohibits discrimination in public schools. Statute prohibits discrimination in educational institutions supported by public funds; violations are misdemeanors punishable by the courts.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities. Violators are subject to criminal punishment (court proceedings).
Statute prohibits discrimination or segregation in public schools. No statute prohibiting discrimination or segregation in private education. But private professional schools which discriminate are considered not reputable and not in good standing.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities, including discriminatory advertising. Violators are subject to civil damages, criminal punishment and injunction (court proceedings).
Statute prohibits discrimination or segregation in public schools. No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between white and Negro.	Statute prohibits discrimination in recreational facilities. Violators are subject to civil damages and criminal punishment (court proceedings).
Statute prohibits discrimination or segregation in public schools. No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities. Violators are subject to criminal punishment (court proceedings).
Statute permitting segregation of Negroes in cities with a population of over 15,000 repealed in 1957. Another statute prohibits discrimination in public schools; violators are subject to fines (court proceedings). No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities. Violators are subject to fines (court proceedings).
No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between white and Negro.	No statute prohibiting discrimination in recreational facilities.
No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between any white or Indian person and any colored person.	No statute prohibiting discrimination in recreational facilities.

STATE	EMPLOYMENT	HOUSING
MAINE	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
MARYLAND	Statute prohibits discrimination in public employment. Violators subject to fines. Another statute requires anti-discrimination clauses in government contracts. No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
MASSACHUSETTS	Statute prohibits discrimination in employment. Administrative enforcement machinery.	Statute prohibits discrimination in public and private housing. Administrative enforcement machinery.
MICHIGAN	Statute prohibits discrimination in employment. Administrative enforcement machinery.	Statute prohibits discrimination in government housing, including discriminatory advertising. Violators are subject to civil suits for treble damages, criminal punishment and revocation or suspension of license (court proceedings). No statute prohibiting discrimination in private housing.
MINNESOTA	Statute prohibits discrimination in employment. Administrative enforcement machinery.	Statute prohibits discrimination in public and private housing. Administrative enforcement machinery. Another statute declares racial and religious restrictive covenants void.
MISSISSIPPI	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
MISSOURI	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
MONTANA	No statute prohibiting discrimination in private employment.	Statute prohibits discrimination in urban redevelopment projects. No specific enforcement provisions.

EDUCATION	INTERRACIAL MARRIAGES	RECREATIONAL FACILITIES
No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities, including discriminatory advertising. Violators are subject to criminal punishment (court proceedings).
No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between white and Negro, white and Malayan, Negro and Malayan.	No statute prohibiting discrimination in recreational facilities.
Statute prohibits discrimination in education. Administrative enforcement machinery.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities, including discriminatory advertising. Administrative enforcement machinery. Alternatively, enforcement through court proceedings (civil damages, criminal punishment).
Statute prohibits discrimination or segregation in public schools. No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities, including discriminatory advertising. Violators are subject to civil suits for treble damages, criminal punishment, and revocation or suspension of license (court proceedings).
Statute prohibits segregation in public schools. No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities. Violators are subject to civil damages and criminal punishment (court proceedings).
No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between white and Negro or Mongolian.	No statute prohibiting discrimination in recreational facilities.
No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between white and Negro or Mongolian.	No statute prohibiting discrimination in recreational facilities.
No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities. No specific sanctions.

STATE	EMPLOYMENT	HOUSING
NEBRASKA	Statute prohibits discrimination in defense work employment. Violators subject to punishment (court proceedings).	No statute prohibiting discrimination in private housing.
NEVADA	Statute prohibits discrimination in public employment and employment in performance of public contracts. Another statute declares discrimination to be against public policy. Administrative investigating machinery.	Statute declares discrimination in housing to be against public policy. Administrative investigating machinery.
NEW HAMPSHIRE	No statute prohibiting discrimination in private employment.	Statute prohibits discrimination in public and private housing. Violators are subject to fines (court proceedings).
NEW JERSEY	Statute prohibits discrimination in employment. Administrative enforcement machinery.	Statute prohibits discrimination in public and private housing. Administrative enforcement machinery.
NEW MEXICO	Statute prohibits discrimination in employment. Administrative enforcement machinery.	No statute prohibiting discrimination in private housing.
NEW YORK	Statute prohibits discrimination in employment. Administrative enforcement machinery.	Statute prohibits discrimination in public and private housing. Administrative enforcement machinery. Alternatively, in the case of publicly assisted housing, enforcement through court proceedings (injunction, damages).
NORTH CAROLINA	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
NORTH DAKOTA	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.

EDUCATION	INTERRACIAL MARRIAGES	RECREATIONAL FACILITIES
Statute prohibits discrimination in state university. No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between white and Negro, Chinese or Japanese.	Statute prohibits discrimination in recreational facilities. Violators are subject to criminal punishment (court proceedings).
Statute prohibits discrimination in state university. No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute declares discrimination in recreational facilities to be against public policy. Administrative investigating machinery.
No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities. Violators are subject to fines (court proceedings).
State Constitution prohibits segregation in public schools. Statute prohibits discrimination in public and private education; enforcement by court proceedings (civil penalties and criminal punishment). Another statute prohibiting discrimination in public and private education sets up administrative enforcement machinery.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities, including discriminatory advertising. Administrative enforcement machinery. Alternatively, enforcement through court proceedings (civil damages, criminal punishment).
Statute permitting segregation of Negroes in public schools repealed in 1955. No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities. No specific sanctions.
Statute prohibits discrimination in education; enforcement by court proceedings (civil penalties and criminal punishment). Another statute prohibits discrimination in post-secondary education, business and trade schools; it sets up administrative enforcement machinery.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities, including discriminatory advertising. Administrative enforcement machinery. Alternatively, enforcement through court proceedings (civil damages, criminal punishment).
No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between white and Negro, white and Indian, Negro and Indian.	No statute prohibiting discrimination in recreational facilities.
No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities. Violators are subject to criminal punishment (court proceedings).

STATE	EMPLOYMENT	HOUSING
OHIO	Statute prohibits discrimination in employment. Administrative enforcement machinery.	No statute prohibiting discrimination in private housing.
OKLAHOMA	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
OREGON	Statute prohibits discrimination in private employment. Administrative enforcement machinery.	Statute prohibits discrimination in public and private housing. Administrative enforcement machinery.
PENNSYLVANIA	Statute prohibits discrimination in employment. Administrative enforcement machinery.	Statute prohibits discrimination in public and private housing. Administrative enforcement machinery.
RHODE ISLAND	Statute prohibits discrimination in employment. Administrative enforcement machinery.	Statute prohibits discrimination in public housing. Administrative enforcement machinery.
SOUTH CAROLINA	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
SOUTH DAKOTA	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
TENNESSEE	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
TEXAS	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
UTAH	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.

EDUCATION	INTERRACIAL MARRIAGES	RECREATIONAL FACILITIES
No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities. Administrative enforcement machinery. Alternatively, enforcement through court proceedings (civil damages, criminal punishment).
No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between persons of African descent and persons of other descent.	No statute prohibiting discrimination in recreational facilities.
Statute prohibits discrimination in vocational, trade, and professional schools. Administrative enforcement machinery.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities, including discriminatory advertising. Administrative enforcement machinery. Alternatively, enforcement through court proceedings (civil damages).
Statute prohibits discrimination in education. Administrative enforcement machinery. Alternatively, enforcement through court proceedings (criminal punishment).	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities, including discriminatory advertising. Administrative enforcement machinery. Alternatively, enforcement through court proceedings (criminal punishment).
Statute prohibits discrimination or segregation in public schools. No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities. Administrative enforcement machinery.
No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between white and Negro or Indian.	No statute prohibiting discrimination in recreational facilities.
No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	No statute prohibiting discrimination in recreational facilities.
No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between white and Negro.	No statute prohibiting discrimination in recreational facilities.
No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between Caucasian and African.	No statute prohibiting discrimination in recreational facilities.
No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between white and Negro, Mongolian or Malayan.	No statute prohibiting discrimination in recreational facilities.

STATE	EMPLOYMENT	HOUSING
VERMONT	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
VIRGINIA	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.
VIRGIN ISLANDS	Statute prohibits discrimination in employment. Violators are subject to civil damages (actual damage plus punitive damages up to $5,000), criminal punishment and revocation or suspension of license (court proceedings).	Statute prohibits discrimination in public and private housing. Violators are subject to civil damages (actual damage plus punitive damages up to $5,000), criminal punishment and revocation or suspension of license (court proceedings). Racial or religious restrictive covenants declared void.
WASHINGTON	Statute prohibits discrimination in employment. Administrative enforcement machinery.	Statute prohibits discrimination in publicly assisted (including FHA insured) housing. Administrative enforcement machinery. Declared invalid by State Supreme Court.
WEST VIRGINIA	No statute prohibiting discrimination in private employment. Human Rights Commission authorized to investigate charges of discrimination.	No statute prohibiting discrimination in private housing.
WISCONSIN	Statute prohibits discrimination in employment. Administrative enforcement machinery.	Statute prohibits discrimination in veterans' housing and urban redevelopment projects. No specific enforcement provisions.
WYOMING	No statute prohibiting discrimination in private employment.	No statute prohibiting discrimination in private housing.

EDUCATION	INTERRACIAL MARRIAGES	RECREATIONAL FACILITIES
No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities. Violators are subject to criminal punishment (court proceedings).
No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between white and non-white.	Prohibition of advertisements discriminating because of religion. Violators are liable to injunction suits (court proceedings).
Statute prohibits discrimination in public and private schools. Violators are subject to civil damages (actual damages plus punitive damages up to $5,000); criminal punishment; revocation or suspension of license (court proceedings).	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities. Violators are subject to civil damages (actual damage plus punitive damages up to $5,000), criminal punishment and revocation or suspension of licenses (court proceedings).
State Constitution prohibits segregation in public schools. Statute prohibits discrimination in education. Administrative enforcement machinery. Alternatively, enforcement through court proceedings (criminal punishment) in the case of schools wholly or partially supported by public funds.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities, including discriminatory advertising. Administrative enforcement machinery. Alternatively, enforcement through court proceedings (criminal punishment).
No statute prohibiting discrimination or segregation in private educatio[illegible].	Statute prohibits marriage between white and Negro.	No statute prohibiting discrimination in recreational facilities. Human Rights Commission authorized to investigate charges of discrimination.
Statute prohibits discrimination or segregation in public schools. No statute prohibiting discrimination or segregation in private education.	No statute banning interracial marriages.	Statute prohibits discrimination in recreational facilities. Violators are subject to civil damages and criminal punishment (court proceedings).
Statute permitting segregation of Negroes in public schools repealed in 1955. No statute prohibiting discrimination or segregation in private education.	Statute prohibits marriage between white and Negro, Malayan or Mongolian.	Statute prohibits discrimination in recreational facilities. Violators are subject to criminal punishment (court proceedings).